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DEPARTMENT OF STATE LANDS

MARC RACICOT, GOVERNOR
P.O. BOX 201601
STATE OF MONTANA
(406) 444-2074
1625 ELEVENTH AVENUE
HELENA, MONTANA 59620-1601

February 1, 1993

PLEASE RETURN

Dear Reader:

Enclosed for your review is an Environmental Assessment (EA) prepared by the Department of State Lands (DSL). The EA evaluates a proposal by Conda Mining Inc. to modify operating permit 00148 by adding a washing system to the Pipestone Quarry operation north of the town of Pipestone.

Public comment on this EA will be received by the DSL until 5:00 p.m. February 26, 1993. Comments should be about the adequacy of the EA in assessing issues, new information not considered that may influence the analysis, and clarification. Comments should be specific. The DSL will use these comments and staff responses, the EA, and the application to make a final decision on the permit. The decision may be to approve the proposal as modified by reviews, deny the proposal or approve the proposal with additional modifications.

Comments will be accepted by phone (406) 444-2074, or by written comments directed to:

Bob Winegar
Montana Dept. of State Lands
Capitol Station
Helena, MT 59601

Thank you for your time and consideration. Please call if you have any questions.

Sincerely,

Rob Winegar

Robert C. Winegar
Program Supervisor
Hard Rock Bureau
Reclamation Division

/etc

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ENVIRONMENTAL ASSESSMENT

APPLICANT: Conda Mining Inc.

TYPE OF OPERATION: Quarry

LOCATION: NE¼ Sec. 20, T2N, R5W   COUNTY: Jefferson

PERSON PREPARING E.A.: Jeff Snyder

APPLICATION COMPLETE: January 19, 1993 (Date)   E.A. COMPLETE: January 25, 1993 (Date)

				POTENTIAL IMPACTS		
	A	A	C	LONG TERM	SHORT TERM	AMPLIFICATION
PHYSICAL ENVIRONMENT						
1. TOPOGRAPHY			X			
2. GEOLOGY; Stability			X		X	X
3. SOILS; Quality, Distribution			X			X
4. WATER; Quality; Quantity; Distribution			X		X	X
5. AIR; Quality			X			X
6. UNIQUE, ENDANGERED, FRAGILE, or LIMITED environmental resources			X			
BIOLOGICAL ENVIRONMENT						
1. TERRESTRIAL, AVIAN, and AQUATIC; species and habitats			X			
2. VEGETATION; quantity, quality, species			X			
3. AGRICULTURE; grazing, crops production			X			
HUMAN ENVIRONMENT						
1. SOCIAL; structures and mores			X			
2. CULTURAL uniqueness, diversity			X			
3. POPULATION; quantity and diversity			X			
4. HOUSING; quantity and distribution			X			
5. HUMAN HEALTH & SAFETY			X			

				POTENTIAL IMPACTS		
	A	B	C	LONG TERM	SHORT TERM	AMPLIFICATION
6. COMMUNITY & PERSONAL INCOME			X			
7. EMPLOYMENT; quantity and distribution			X			
8. TAX BASE; local and state tax revenue			X			
9. GOVERNMENT SERVICES; demand			X			
10. INDUSTRIAL, COMMERCIAL and AGRICULTURAL activities			X			
11. HISTORICAL and ARCHAEOLOGICAL		X			X	X
12. AESTHETICS			X			
13. ENVIRONMENTAL PLANS and GOALS; local and regional			X			
14. DEMANDS on ENVIRONMENTAL RESOURCES of land, water, air and energy			X			
15. TRANSPORTATION; networks and traffic flows			X			

CUMULATIVE IMPACTS: None. The approval of these modifications will not increase impact on any environmental feature.

PUBLIC INVOLVEMENT: Public notice published week of February 1, 1993 in the Whitehall Ledger and Montana Standard. Comments are solicited for proposal and EA until February 26, 1993.

ALTERNATIVES CONSIDERED: Approve as proposed, Disapprove (no action)

COMPLIANCE STATUS: CMI is in compliance with permit, no noncompliance issued

RECOMMENDATIONS CONCERNING PREPARATION OF AN EIS: An EIS is not necessary is at this level of disturbance, no significant impacts

OTHER GROUPS OR AGENCIES CONTACTED OR WHICH MAY HAVE OVERLAPPING JURISDICTION: Bureau of Land Management, Department of Health and Environmental Sciences: Water Quality Bureau
INDIVIDUALS OR GROUPS CONTRIBUTING TO THIS EA: Jeff Snyder, Bob Winegar (DSL)
Bill Weatherly (BLM)

A: Significant Unavoidable Impacts
B: Insignificant as a result of conditioned mitigation
C: Insignificant as proposed

Jeff Snyder
Signature

CONDA MINING INC.
Modifications to Operating Permit

BACKGROUND

History: Conda Mining Inc. (CMI) is developing a rock quarry in Jefferson County, Montana. The original operating permit was issued December 11, 1992, after an Environmental Assessment (EA) was prepared (May, 1992). To date no modifications or amendments have been approved.

Current Proposal: CMI submitted two letters, one on 12/10/92 and the other on 1/5/93, to Montana Department of State Lands briefly describing requested modifications to incorporated facilities that would allow CMI to produce a washed product. The additional facilities are: a water pipeline, a retention basin/holding pond, and a sediment collection/drainage ditch.

The pipeline would be a portable six-inch irrigation pipeline, approximately 0.8 mile long, that would transport water from Big Pipestone Creek to the quarry site. The water would be purchased from Chuck Baker and would be used to supplement water used for dust control and aggregate product washing. The pipeline would traverse under I-90 and highway frontage roads through existing drainage structures. The water pipeline would continue following the ephemeral drainage to the quarry site. No additional disturbance would result from installation of the pipeline.

The retention basin/holding pond would be to contain the water needed for the quarry operation. CMI proposes to utilize an existing railroad grade fill across the ephemeral drainage for the pond dam. A 15' high riser pipe would be installed on the upstream end of a 36" culvert that is through the railroad grade fill. The upstream face of the railroad grade fill, below the top of the 15' riser, would be surfaced lined with good quality clay to reduce seepage into the fill. A trash rack would be installed on top of the 15' riser pipe to prevent debris from entering and blocking the 36" culvert pipe. An emergency gate would be installed near the bottom of the riser pipe to enable quick pond draw down if any problems should arise.

The sediment collection/drainage ditch would carry the wash water and resulting sediment from the wash plant to the holding pond. The sediment would be collected behind a series of small check dams within the drainage ditch. The collected sediment would be periodically cleaned out and placed in the topsoil stockpiles for future use in site reclamation.

RECLAMATION

The existing reclamation plan will not be changed by these modifications. At final reclamation the pipeline, the clay liner material, the 15' riser pipe, the drainage ditch and small check dams would be removed.

AMPLIFICATION OF ENVIRONMENTAL FACTORS

Stability

The railroad grade fill material was obtained from rock cuts on either side of the ephemeral drainage. The fill was placed to allow the railroad rails to be laid an the proper grade. The fill was not intended to be used for a retention pond dam and the 36" culvert was installed to pass any flow that came down the ephemeral drainage. The coarse granular nature of the rock fill material would easily pass any seepage through the clay liner and would not become saturated causing a stability concern. The emergency gate on the 36" pipe is an extra precaution to protect the railroad grade from failure in the unlikely event of a slope stability problem. The stability issue was considered but dismissed because of the material characteristics and mitigation stated above.

Soil

The soil along the pipeline route will not be affected by the pipeline. Resoiling of the pond area will not reduce the volume of soil available for quarry reclamation. The addition of the sediment collected behind the check dams to the topsoil stockpiles will not degrade the soil, but will increase the volume of soil available for reclamation. In the unlikely event of an emergency discharge of water through the 36" pipe some soil may be eroded from the ephemeral drainage, but this erosion would not more than what would be caused from a large storm event. The soil issue is not a concern and will be dismissed for these modifications.

Water

The maximum storage volume of the retention basin/holding pond is approximately 5.7 acre feet. All run-off water that normally would flow down the ephemeral drainage would be collected for use in quarry operations. This will not effect anything downstream as the drainage rarely passed any water. The majority of the water needed for the quarry operation would be piped from Big pipestone Creek. No chemicals or additives are to be used in the process and all the wash sediment will be collected behind the check dams or in the pond bottom. The water quantity or quality issue is not a concern and will be dismissed for these modifications.

Air

The air quality in the area of the quarry operation will be improved by the introduction of a wash circuit into the operation. Most all silica dust in the aggregate product will be removed by the washing operation. The air issue is not a concern and will be dismissed for these modifications.

Historical

The Northern Pacific-Burlington Northern Railroad, now owned by A Washington Company, adjacent to the quarry has been found to be eligible for listing in the National Register. The use of the railroad fill as a retention dam is temporary and will not effect the eligibility. Therefore the historical value is not an issue at this time.

DEPARTMENT OF STATE LANDS

MARC RACICOT, GOVERNOR
P.O. BOX 201601

STATE OF MONTANA

(406) 444-2074
1625 ELEVENTH AVENUE
HELENA, MONTANA 59620-1601

February 25, 1993

Dear Reader:

Conda Mining Inc. has proposed a modification to their operating permit involving an aggregate washing process. The effects of this change have been analyzed by the DSL in a checklist environmental Assessment. The purpose of this letter is to provide clarification on the water usage issue.

The original proposal by Conda Mining to pump water from Big Pipestone Creek has been changed. Instead, water would be pumped from a well located on property owned by Chuck Baker. Water would be purchased from Chuck Baker. Conda Mining would not acquire any water rights. Pumpage from the well would be limited to less than 35 gallons per minute and not more than 10 acre-feet per year.

Approximately 3 acre-feet of water would be stored in a holding pond located at the quarry. The well would be pumped in the spring to fill the holding pond and thereafter pumped intermittently to supply make-up water lost through evaporation, dust suppression, and in the washing process. At a pumping rate of 35 gpm it would take approximately 20 days of continuous pumping in the Spring to fill the holding pond.

If you need clarification or have any questions please don't hesitate to call Bob Winegar or myself at 444-2074.

Sincerely,

Joe Gurrieri, Hydrologist
Hard Rock Bureau
Reclamation Division

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HELENA, MONTANA 59620

June 16, 1993

Dear Reader:

Several comments were received concerning the water use proposed by Conda Mining, Inc. These comments were solicited by Department of State Lands in an Environmental Assessment (EA) of the Modifications to Operating Permit 00148. The issue of water use is also a water rights issue and the Department of Natural Resources, Water Rights Bureau assisted in the responses offered here.

Comment: A new water user of Big Pipestone Creek should not be permitted.

Response: The proposal is to pump 60 gallons per minute through March, April and May to fill the water holding facilities at the mine (approximately 1.25 acre feet). Several fillings would not adversely affect users during the high water season which is about 2300 gallons per minute (Environmental Assessment - Modifications to Operating Permit). If seasonal flows are lower, users may be affected and the water rights if acquired by Conda would determine who gets the water.

The Legislature recently closed the Jefferson River and its tributaries to new appropriations of surface water. Conda may purchase or lease existing surface water rights but not at this time apply for a new appropriation. Any application for a water use permit for groundwater or any application to change an existing surface water right would have a public notice published. Water right owners of record who could possibly be effected, would be notified and would have the opportunity to object if they feel their water rights would be adversely effected.

Comment: The cumulative flow meter is in line with the pump at Pipestone Creek and the well. Two flow meters should be required; one at the well head and one at the pump on Pipestone Creek.

Response: The agencies agree and the approval for this amendment would stipulate this and each meter would show pumping

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hours, present flow rate (gpm) and accumulated volume. The company has proposed maintaining a log of pumping hours, pumping rate, and accumulated gallons pumped.

Comment: Area wells will be affected especially the closer ones. What is being done to lessen or eliminate impact and what recourse do area home owners have?

Response: If water rights are acquired for Big Pipestone Creek then the 5 acre feet proposed per year from the well would be reduced by a minimum of 1.25 acre feet.

The recommendations of the report "Groundwater Model and Final Recommendations" (Willis Weight, 1993) would be followed: 20 gpm, 12 hour pumping, and 24 hour recovery. The DSL would require adjustments in this pumping schedule if it became necessary (Water section in Environmental Assessment - Modifications to Operating Permit).

Action for damages to water supply (82-4-355, MCA) defines what to do to "...recover damages for loss in quality or quantity of the water supply resulting from mining or exploration."

The owner must use the following administrative remedy before filing a suit against the company. File a complaint with the DSL detailing the loss and all information you have to assist the DSL in investigating the complaint. The DSL shall provide a written finding of the investigation. The operator would be required to replace the water if the investigation attributed the water loss to the company. The company may not be required to replace a junior right if the company withdrawal is not in excess of his senior right.

These answers, the EA, the additional required bond and the company proposal will be used for a final decision on the application for amendment.

Thank you for your time and concern regarding this project. Please call if you have any questions.

Sincerely,

Bob Winegar

Robert C. Winegar
Program Supervisor
Hard Rock Bureau
Reclamation Division

/etc